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EMBASSY OF THE
UNITED STATES OF AMERICA

Buenos Aires, Argentina

Argentina

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MEMORANDUM OF CONVERSATION

SUBJECT : CODEL Cochran Meeting with Human Rights Figures

PARTICIPANTS: Emilio Mignone, Augusto Conte MacDonell,
Representatives of Argentine Permanent
Assembly on Human Rights and CELS

Senator Claiborne Pell (D-R.I.)
Senator Larry Pressler (R-S.D.)
Senator Harrison Williams, Jr. (D-N.J.)
Senator Quentin Burdick (D-N.D.)

Mr. Barry Sklar, Senate Foreign Relations
Committee

John F. King, Political Counselor
Townsend F. Friedman, Political Officer

DATE/PLACE : Sheraton Hotel, Buenos Aires
February 10, 1981

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The meeting was requested by Senator Pell and took place immediately on arrival of CODEL Cochran for a two-day visit here. The discussion was entirely in English, after Senator Pell opened it with a request for the Argentines' reaction to the 1980 502B Human Rights Report, released the day before by Congress. The Senator also inquired what the US Congress might do to be of assistance to the Permanent Assembly.

Mignone, who was to do most of the talking, replied that both the US State Department's report and Amnesty International's 1980 human rights review were accurate, although

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ARGENTINA PROJECT (S200000044)

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Margaret P. Grafeld, Director

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he expressed some reservations about political analysis of the years preceding the 1976 coup included in the Department's document. He said he was pleased to meet with the Senators and wished to talk in detail with them about several aspects of the human rights situation in Argentina.

The first, he said, was the silence of the GOA regarding the disappearance of several thousand people between March 1976 and the present. He said the Permanent Assembly has documentation on about 6,000 such cases and can infer that there are three times as many total disappearances which, he believed, formed the basis of Amnesty's claim that 15,000 individuals were politically disappeared during the period; Mignone said the total could be as high as 20,000. Secondly, what these figures mean, he said, is that as many as 200,000 Argentines have been directly touched by the "war doctrine" -- the means the Argentine military employed against terrorists, supposed terrorists, their supporters and their sympathizers. Therefore, he said, despite the GOA's pledge to restore democracy in this country, should that happen there will always be some 200,000 citizens ready to bring to the fore of public consciousness the unanswered questions about how these people disappeared and who was responsible for it. Finally, he said, individuals taken by the security services, those who disappeared and those who survived, never had recourse to legal protection since they were hidden and knowledge of and responsibility for them was denied by all authority; moreover, while held prisoner before meeting whatever fate, these people suffered torture and had detention facilities. Mignone interspersed this commentary with several references to the GOA's "war doctrine," which he defined as use of the same terror methods employed by the guerrillas, whom he said were opposed by most of the families affected by the repression.

Senator Pell inquired, after Mignone's mention of prisoner conditions, what the Red Cross had done to discharge its responsibilities to insure humane treatment for them. Mignone replied the Red Cross had only a limited role, which touched not on what eventually happened to prisoners but only the conditions under which they were detained when they could be located.

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Senator Pell then asked if antisemitism had made itself felt during the repression. Mignone's response was, on balance, that it had. Some who participated in the repression showed antisemitic tendencies and were therefore "enthusiastic" about their work. He also noted that a high percentage of the detained and disappeared were Jewish. But there was no antisemitic policy as such on the part of the government, he asserted, adding that there is a large Jewish community in this country which is well integrated into society as a whole. He then acknowledged that antisemitism can be seen in the educational institutions of the country and that anti-Jewish discrimination exists throughout the armed forces.

In answer to Senator Pell's question what the US Congress might do to help moderate political conditions here, Conte MacDonell raised several considerations. The Congress, human rights organizations in the US, and enlightened American opinion, regardless of the administration in power in Washington, can be a force for good with the Argentine authorities. Perhaps the Argentine military will refuse to recognize that disappearances and other abuses are abhorrent tactics, and will allow secret groups within the security forces to continue operating more or less independently. But, he said, foreign opinion can influence General Viola, when he becomes president, to pass the word in the government putting an end to these practices. The Argentine people want repression and the threat of repression to end, and their desires find echo abroad, he said, adding that he has just returned from Europe (Paris and Geneva) where such agencies as the UN and private humanitarian groups keep the spotlight on GOA human rights performance. In time, Conte said, the arrogance of the government will be overcome, some humility and greater respect for the citizenry introduced, and then will the authorities be obliged, publicly or privately but in some way, to tell the families what happened to their relatives.

Senator Williams remarked, after hearing Conte describe the widespread, corrosive effect torture had upon the torturers who he said will continue to try controlling Argentina, the difficulties posed in any attempt to unmask the guilty and bring them to retribution. He said what would be involved is massive mobilization of international opinion. Conte and Mignone agreed and Conte reiterated that his organization believes it can count on reservoirs of sympathy and good will throughout the world, including in the United States, to help force change for the better here.

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Senator Burdick returned to the question of the legal rights of political detainees. The Argentines repeated their assertion they had none, although Conte added that Argentine judges are becoming more assertive in dealing with habeas corpus and other proceedings involving such prisoners. Senator Burdick asked about constitutional power conferring rights on the state to hold individuals without charges or trial, and was told that, technically it is provided for under the 1852 constitution (which obtains except where it specifically is overridden by decree of the present junta government). The Senator indicated that given that fact, not too much more should be expected of a military dictatorship.

Senator Williams then inquired what the results have been in Argentina of the past four years of the Carter Administration's human rights policies. Both Argentines agreed it had been a positive force for slowing down the repression and checking disappearances.

Senator Pressler asked here whether, since chaotic conditions were created by guerrilla operations in 1974-75, some of the disappearances could be credited to the left and to the guerrillas themselves; he also invited comment on the evolving freedom in present-day Argentina. Mignone replied directly that indeed there was terrorism on the left in the mid-70's, so much so that even the Isabel Peron government began taking action against it. But no one believed, he said, that the military after taking power would apply so forcefully the same tactics as the terrorist themselves used, and to act as they did, outside the law. That is what the repression was, he said, arguing that after the last major guerrilla operation was mounted and defeated in December 1975, the terrorist left lost all capability that could represent a threat to the security of the state. He conceded the left could still place bombs, shoot up a police station or assassinate a general, but argued the military was from that time on totally in charge of the situation. Nonetheless, it was then that the armed forces took the decision to "liquidate, annihilate" anyone, he said, "especially young people believed to have some kind of relation to subversion." The result was that most of the victims were those only "marginally involved" -- he mentioned as examples lawyers and journalists. By what he called summary military justice, Mignone said that from

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that point on the military employed every available terror tactic, including the ultimate one of death which has never been sanctioned in law or the constitution. Was such employment of state terror necessary, he asked rhetorically.

Addressing himself to Senator Pressler's second question, Mignone posed another of his own. If democracy is evolving in Argentina, he asked, what does it amount to when someone stands up to ask for an accounting and judgment and is told by those responsible -- "those tremendously arrogant demi-gods who are above the law, justice and the common citizen" -- that no, there will be no accounting, that the war is over and the past is past. This, said Mignone, has been the answer of President-designate Viola and other high officers who have publicly entertained the question. These men, he concluded, are the same ones who did not have the courage to sign death warrants for the condemned but chose rather to leave such matters to the machinery of the security services.

The conversation ended at 10:15 with an exchange between Mr. Sklar and the Argentines. The government says the dirty war is over and you say it is not, Mr. Sklar said, and asked for clarification. Conte MacDonell replied that there is "different quantity" in that the number of victims has declined markedly, but added that the "level of quality" -- that is, the continued existence of the state security apparatus which perpetrated the crimes -- is the same. Mignone noted that the decline in disappearances began with the arrival of the CAS Human Rights Commission in Buenos Aires in September 1979; disappearances remained low until the Commission's report was completed in April of 1980. After that, he said, new cases came to light, although the Assembly has none reported since the beginning of September of last year.

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